

**IN THE DRAWINGS:**

Please replace Figs. 3 and 4 of the Drawings with the Replacement Sheets attached herewith. Also included are Annotated Sheets showing the changes.

**REMARKS**

This Amendment is filed in response to the Office Action mailed June 29, 2006.  
All objections and rejections are respectfully traversed.

Claims 20-40 are now pending in the case.

No claims have been amended

Claims 28-40 have been added.

***Amendment to the Specification and Drawing***

First, the Applicant notes that two different structures, a loop-back data structure and a protocol configuration entity, are both referred to by the same reference numeral, 318, in Fig. 3 and in the Specification. To avoid any confusion, the Applicant now amends both the Specification and Drawings so that the the loop-back data structure is associated with reference numeral 319. No new matter is introduced by this correction.

Second, the Applicant notes that box 418 in Fig. 4, incorrectly states “Transitioning Port State of Remaining Ports to Blocking State” while the text at page 18, lines 10-11 correctly indicates that the device “transitions its remaining ports to the listening state, as indicated by block 418.” Accordingly Fig. 4 has been amended to conform with the Specification. Again, no new matter is introduced by this correction.

***Indicated Allowable Claims***

At paragraph 3 of the Office Action, claims 24, 26, and 27 were indicated to be allowable if rewritten in independent form. The Applicant appreciates such indication and may rewrite the claims at a later time.

***Claim Rejections - 35 U.S.C. §102***

At paragraphs 1-2 of the Office Action, claims 20-23 and 25 were cited under 35 U.S.C. §102 in view of Gai et al., U.S. Patent No. 6,031,194 (hereinafter Gai).

The Applicant notes Gia was filed on Dec. 24, 1997, approximately 11 month before the Applicant's priority date. While the Applicant does not admit Gia has actual prior art status, even assuming arguendo Gia is prior art, the reference would not anticipate the Applicant's claims as explained below.

The Applicant's claim 20, representative in part of the other rejected claims, sets forth:

20. A computer readable medium containing executable program instructions for use by an intermediate network device having a plurality of ports for receiving and forwarding network messages, the executable program instructions comprising program instructions for:

configuring one or more ports as access ports;

*configuring one or more access ports as rapid forwarding ports;*

*identifying all ports that have been configured as access ports with rapid forwarding;* and

upon initialization of the device, *placing each identified access port with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states*, so that network messages may be received and forwarded by such identified ports immediately.

Gia discloses a method and apparatus for rapidly reconfiguring a computer network having a plurality of devices executing a spanning tree protocol. *See abstract.* In one portion, Gia discusses a “Become\_Root\_Primary” command that may be “entered at a first backbone switch and significantly lowers the value of the first backbone switch's numerical ID, thereby forcing it to become the root upon execution of the spanning tree algorithm.” *See col. 6, lines 12-17 and col. 8 line 57 to col. 9, line 3.* In another portion, Gia discusses that in a device where “one **trunk port** is in the forwarding state and **other trunk ports** are in the blocked state, one or more of the blocked ports are designated as backup ports. Upon detection of a failure at the active forwarding port, the state of one of

the blocked ports immediately transitions from blocked to forwarding...the selected back-up port does not transition through any intermediary states (such as to listening or learning states).” See col. 5, lines 40-50 and col. 12, lines 32-42 (emphasis added to quotation).

The Applicant respectfully urges that Gia does not suggest the Applicant’s claimed “*configuring one or more access ports as rapid forwarding ports*” and “*identifying all ports that have been configured as access ports with rapid forwarding*” and “*placing each identified access port with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states.*”

The Applicant teaches a special designation for *access ports*, namely designating them as “rapid forwarding ports,” which causes so designated access ports to transition more rapidly to a forwarding state than is generally the case for access ports without such designation. In contrast, Gia’s description of a “Become\_Root\_Primary” command relates to setting properties of an entire switch. Similarly, Gia’s description of using certain **trunk ports** as back-up ports relates to a technique for handling STP on **trunk ports**. The Applicant makes clear in the specification that trunk ports are different than access ports, stating “[p]orts used to couple switches to each other are generally referred to as trunk ports, whereas ports used to couple a switch to LANs or end stations are generally referred to as access ports.” See Specification page 2, lines 7-9. Accordingly, discussion of a technique for handling trunk ports does not show the Applicant’s claims relating to techniques for access ports.

Further, the Office Action cites to a description in Gia of a “forwarding entity” used in part to forward packets to appropriate devices. The Applicant respectfully urges that this description in Gia, while it does includes the word “forwarding,” is far afield from the Applicant’s claims that relate to “*configuring one or more access ports as rapid forwarding ports.*”

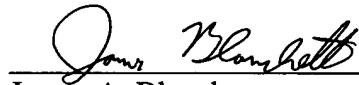
Accordingly, the Applicant respectfully urges that Gia is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel "*configuring one or more access ports as rapid forwarding ports*" and "*identifying all ports that have been configured as access ports with rapid forwarding*" and "*placing each identified access port with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states.*"

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

  
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3/8

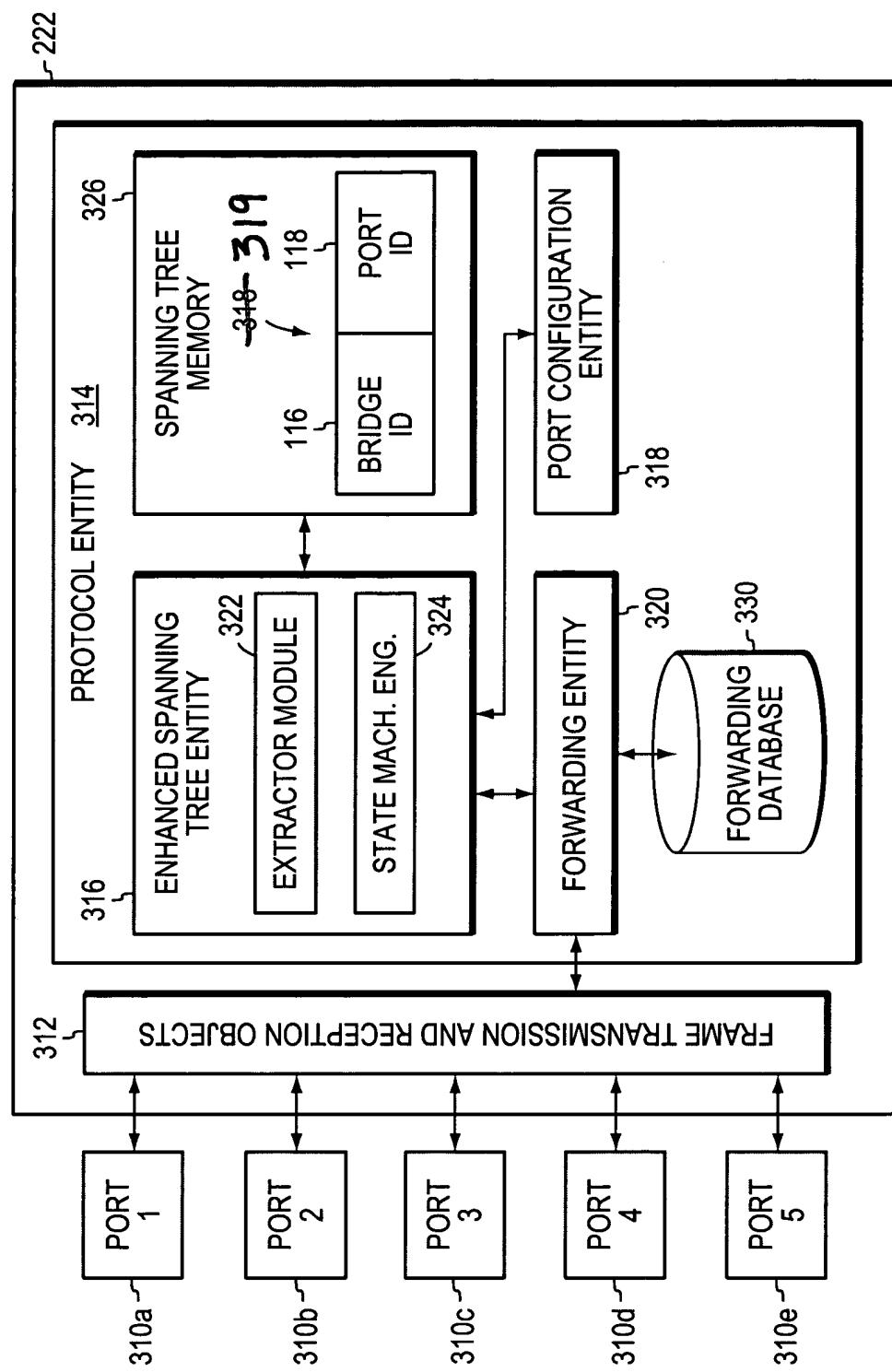
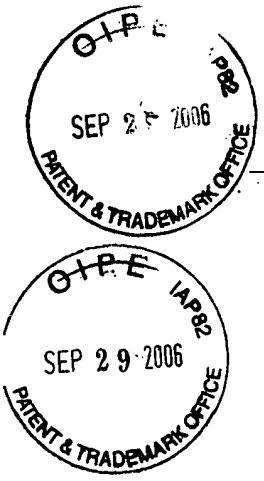


FIG. 3

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4/8

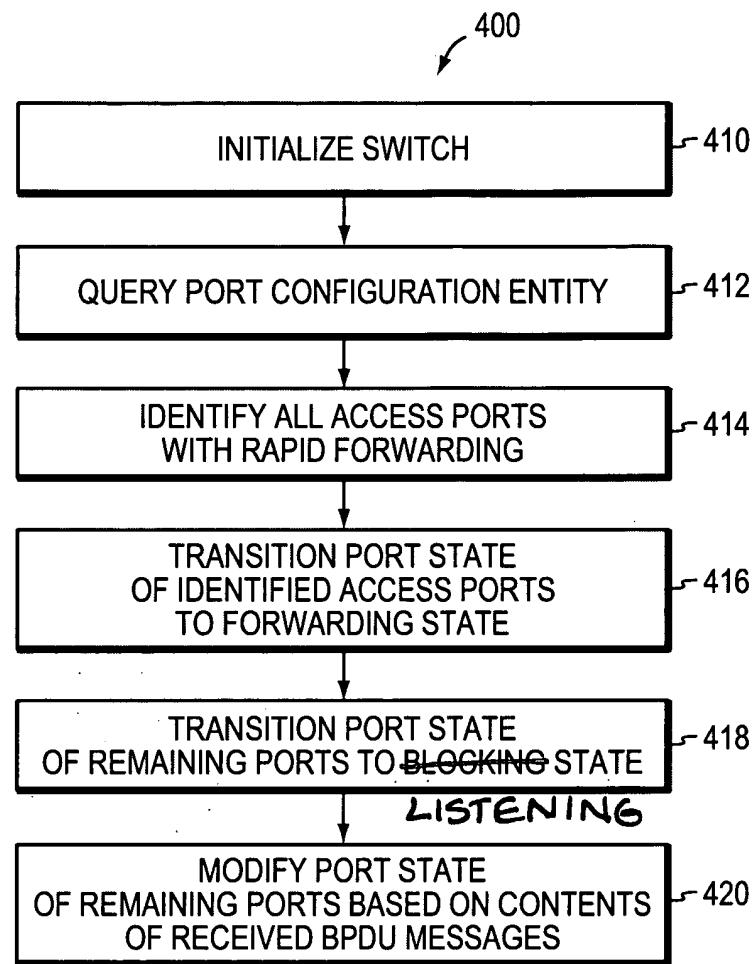


FIG. 4